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DEPARTMENT OF STATE
WASHINGTON

August 25, 1977

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COPIES TO:

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RF-WS

CONFIDENTIAL

MEMORANDUM FOR: DR. ZBIGNIEW BRZEZINSKI

FROM: Warren Christopher, Acting *WC*

SUBJECT: The President's Interest in Argentine
Human Rights Improvements

Our Embassy in Buenos Aires has now responded to the instructions sent to it concerning the President's interest in human rights improvements in Argentina. The exchange of messages on this subject is attached. The Embassy concludes that recent steps have some substance, but recommends caution with respect to associating the President with any specific favorable developments. Nevertheless, our Charge in Buenos Aires did call the attention of the Minister of Economy, the key civilian in the Argentine government, to the President's statement at Yazoo City. According to the White House transcript of July 21, the President said, "We have seen recently in Argentina 342 political prisoners, who had been there for a long time, released."

I.

We can point to the following hopeful human rights developments:

-- Prisoner releases. While the announcement of the release of 342 political prisoners is a positive sign, it should be noted that we can only confirm categorically that there have been four releases, and that we do not yet know what proportion of those released have actually been freed without charges and what proportion have been charged formally and must face trial. In the six weeks since, the Argentine government has reported 199 detentions and 77 releases.

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GDS

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-- Right of option. It seems likely that the Argentine government will restore a limited form of the "right of option," whereby state of siege prisoners may seek voluntary exile. This will be an important measure if it actually leads to prisoner releases.

-- Political tolerance and the courts. There are signs that President Videla may be gaining support from other generals for a greater ventilation of political ideas with civilian leaders. This has prompted Argentina's oldest party, the Radicals, to criticize the government's human rights record. The Radicals were accused of engaging in politics by the government, but rather than summarily punish the politicians, the government took the case to the courts. The lower courts ruled against the government, and the matter is under appeal. An Argentine government ban against the Jehovah's Witnesses is now in the Supreme Court, and there is hope that the court will declare the ban unconstitutional.

II.

On the other hand, the human rights situation remains very unsatisfactory in Argentina, particularly in the Buenos Aires region.

-- Eight lawyers or their wives were kidnapped at a sea resort near Buenos Aires in mid-July; one subsequently was found murdered brutally. It appears the others were later released. It seems likely that the security forces were responsible. (It is noteworthy that Argentina's most important newspaper, La Nacion, which has not distinguished itself on behalf of human rights, called unequivocally on July 18 for the Argentine government to protect lawyers from barbarism.)

-- In mid-July, Argentina's Ambassador to Venezuela was kidnapped in Buenos Aires. He has not been found yet. It appears that the kidnapping reflected hard-line military resentment against President Videla, who made a very successful state visit to Venezuela in May.

-- The publisher of the only major Argentine newspaper, which has demonstrated consistent courage on behalf of human rights, is being held by the government on economic charges at a secret place of detention; he was tortured.

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-- At least five labor leaders have been warned recently to leave Argentina. Earlier this month a prominent Jewish leader fled to the United States after being threatened.

Nearly all serious violations of human rights in Argentina are now taking place in the Buenos Aires military region. The commander of the region, General Suarez Mason, is a notorious hard-liner, and is viewed as one of Videla's principal rivals for power; Suarez is seconded by a retired general who acts as governor. These men are being held responsible by many for the latest round of violence.

Given the delicate political situation in Argentina, as well as the possibly hopeful but very uncertain human rights situation, I believe that we should await developments before further public comment. We will remain alert for favorable developments, as the President has directed, and for appropriate opportunities to express his gratification.

Attachments:

1. State 162292, dated July 12, 1977.
2. Buenos Aires 5303, dated July 18, 1977.
3. Buenos Aires 5522, dated July 27, 1977.

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Drafted: ARA/ECA:FERondon:jh
8/8/77:x29166 *RAV*

Concurrence: D/HA:MSchneider *RAV*
P - Mr. Tice *RAV*
S/P - Mr. Feinberg *RAV*

PAGE 01 STATE 162292
ORIGIN ARA-14

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INFO OCT-01 ISO-00 DHA-02 IO-13 AIO-05 CIAE-00 OODE-00
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DRAFTED BY TEXT AS RECEIVED FROM WHITE HOUSE
APPROVED BY ARA: FJDEVINE
S/S-01 JETHYDEN

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FM SECSTATE WASHDC
TO AMEMBASSY BUENOS AIRES NIACT IMMEDIATE

~~CONFIDENTIAL~~ STATE 162292

E. O. 11652: GDS

TAGS: SHUM, AR, PDIP

SUBJECT: GOA NOTES HUMAN RIGHTS IMPROVEMENTS

REF: B. A. 04638

1. THE PRESIDENT HAS NOTED RECENT ARGENTINE ACTIONS DESIGNED TO IMPROVE THEIR HUMAN RIGHTS IMAGE, INCLUDING THE RELEASE OF PERSONS FROM CUSTODY, THE PROCESSING OF CASES IN THE COURTS, AND THE POSSIBILITY THAT THE RIGHT OF OPTION MAY BE REINSTATED.
2. WHILE THESE ACTIONS WERE ACKNOWLEDGED BY THE SECRETARY AT GRENADA AND BY OUR DIRECTOR AT THE WORLD BANK, WE BELIEVE THAT A FURTHER EFFORT SHOULD BE MADE TO MAKE THE ARGENTINES AWARE OF THE PRESIDENT'S INTEREST IN THESE AND CONTINUING STEPS TOWARD THE RESTORATION OF THE RULE OF LAW. IF IT IS DETERMINED THAT THESE 342 PRISONERS HAVE BEEN RELEASED AND THAT THE IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION ARE REAL RATHER THAN COSMETIC, THEN THE PRESIDENT WOULD LIKE YOU TO ACKNOWLEDGE THIS TO THE ARGENTINE GOVERNMENT AND EXPRESS HIS GRATIFICATION.
3. YOU ARE REQUESTED, THEREFORE, TO APPROACH THE GOA AT AN APPROPRIATELY SENIOR LEVEL AND NOTE THE CONSIDERABLE INTEREST WHICH THE UNITED STATES HAS IN RECENTLY ANNOUNCED GOA STEPS AND INQUIRE WHETHER FURTHER INFORMATION COULD BE PROVIDED CONCERNING THESE STEPS. FOR EXAMPLE, IT WOULD BE HELPFUL TO KNOW HOW MANY INDIVIDUALS NAMED IN THE LIST OF 342 PERSONS RELEASED FROM EXECUTIVE CUSTODY HAVE BEEN ACTUALLY FREED. FOR PERSPECTIVE, IT WOULD BE USEFUL TO KNOW HOW MANY INDIVIDUALS WERE ARRESTED DURING THE SAME PERIOD. ARE THE NAMES OF THOSE PROCESSED BY FEDERAL AND MILITARY COURTS (I.E., THE 1,000 CASES) AVAILABLE? WHAT ARE THE CHARGES AND SENTENCES? HOW SOON CAN WE EXPECT A DECISION ON THE REINSTATEMENT OF THE RIGHT OF OPTION?
4. WE LEAVE IT TO YOUR DISCRETION HOW FAR TO GO IN ELICITING INFORMATION. HOWEVER, WE DO WANT THE GOA TO KNOW THAT THE PRESIDENT IS VERY INTERESTED IN THE MEASURES THEY HAVE ANNOUNCED AND WOULD APPRECIATE A MUCH CLEARER INDICATION OF THEIR SIGNIFICANCE TO THE OVERALL HUMAN RIGHTS SITUATION. VANCE

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ACTION COPY

CONFIDENTIAL
Department of State

INCOMING TELEGRAM

BUENOS 05303 102140Z

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5. A DECISION ON ANY POSITIVE COMMENTS ON THE LOCAL HUMAN RIGHTS SCENE SHOULD AWAIT THE REACTIONS OF THE MINISTER OF ECONOMY CHAPLIN

INFO OCT-01 150-00 DNA-02 NSC-05 NSCE-00 SS-14 SSO-00
INR-05 INRE-00 CIAE-00 SP-02 PRS-01 /016 W
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 1304

CONFIDENTIAL BUENOS AIRES 5303

E.O. 11652: CDS
TAGS: SHUN, AR, POIP
SUBJECT: HUMAN RIGHTS IMPROVEMENTS IN ARGENTINA

EJDIS

REF: STATE 102292

1. ALL OF US HERE WHO HAVE RESPONSIBILITY FOR NOTING ARGENTINE PROGRESS IN HUMAN RIGHTS OBSERVANCE, AND THOSE IN MISSION WHO HAVE THE BEST MEANS OF OBSERVING THE ARGENTINE WAR AGAINST THE GUERRILLA MOVEMENT, HAVE GIVEN CAREFUL CONSIDERATION TO REFUEL AND TO POSSIBLE EFFECTS SOME STATEMENT OF PRESIDENTIAL INTEREST AND ACKNOWLEDGMENT OF IMPROVEMENT HERE MIGHT HAVE. WE CONCLUDE THAT AN INITIATIVE INVOKING THE PRESIDENT'S NAME WOULD NOT BE ADVISABLE AT THIS TIME. THIS COURSE IS, HOWEVER, ONE WE MAY WANT TO TAKE IN THE VERY NEAR FUTURE.
2. WE AGREE THERE ARE ENCOURAGING SIGNS IN FACT THAT HUMAN RIGHTS VIOLATIONS, AND ARGENTINE EXCESSES IN THE WAR AGAINST TERRORISM HAVE DIMINISHED. IT IS ALMOST IMPOSSIBLE TO COMMENT ON A SIGNIFICANT SAMPLING OF THE 342 NAMES LISTED RECENTLY AS THOSE OF PERSONS RELEASED FROM CUSTODY HERE AND CITED BY REFUEL. WE CAN POINT, HOWEVER, TO KNOWLEDGE THAT THREE PRESOS ON THIS LIST HAVE IN FACT GAINED THEIR FREEDOM. WHAT INTERSECTS US EQUALLY IS FACT THAT THERE IS INCREASING OFFICIAL RECOGNITION THAT HUMAN RIGHTS ABUSES HAVE OCCURRED, AS WAR AGAINST TERRORISM WINDS DOWN, IT APPEARS TO US THAT THERE IS BETTER CONTROL BY THE GOVERNMENT OF THOSE OF ITS OWN FORCES WAGING THE WAR. WE FURTHER BELIEVE THAT GENERAL VIDELA AND HIS MODERATE MILITARY COLLEAGUES ARE GAINING INFLUENCE IN THE LONGER AND LARGER QUESTION OF WHO ULTIMATELY WILL RULE IN ARGENTINA. (SEE BUENOS AIRES 5281)
3. ON THE OTHER HAND, THERE IS MUCH THAT DISTURBS US. DISAPPEARANCE OF EIGHT PERSONS FROM MAR DEL PLATA, ALL LAWYERS OR WIVES OF LAWYERS, IS A BROODING SCANDAL WHICH DAILY ATTRACTS MORE ATTENTION HERE. OVER WEEKEND EMBASSY WAS GIVEN NEW INFORMATION CONCERNING HARASSMENT BY GOVERNMENT OFFICIALS OF RANKING UNION MEMBERS. ALTHOUGH WE HAVE NO FIRM DATA ON THIS, WE CREDIT STORIES TO EFFECT THAT AT LEAST FIVE LABOR UNION LEADERS HAVE BEEN THREATENED WITH HARM UNLESS THEY PULL OUT OF LABOR AFFAIRS AND, ACCORDING TO ONE SOURCE, LEAVE THIS COUNTRY. THE GRAIVER AFFAIR APPEARS TO BE HEADED TOWARD A RESOLUTION WHICH WE FEAR WILL BE UNSETTLING FOR THOSE WATCHING HUMAN RIGHTS PROGRESS IN ARGENTINA. "LA OPINION" FORMER EDITOR TIMPERMAN HAS, WE ARE TOLD, BEEN RECENTLY TRANSFERRED TO LA PLATA WHERE HE IS AGAIN BEING HELD INCOMMUNICADO AND AGAIN WE FEAR THE OUTCOME WILL BE DISTRESSING.
4. ALL THIS LEADS US TO HESITATE IN USING A PRESIDENTIAL ACKNOWLEDGMENT OF AN IMPROVING SITUATION, LEST SUBSEQUENTLY WE DISCOVER THAT HUMAN RIGHTS GAINS HERE WERE ILLUSORY. CHARGE WILL BE SEEING MINISTER OF ECONOMY MANTINI BE POOL TO QUESTION THE MINISTER WHEN ADVANCES IN HUMAN RIGHTS OBSERVANCES ARE, IN HIS OPINION, WORTH OUR TAKING NOTE OF AND REPORTING TO OUR GOVERNMENT. CHARGE WILL AT THAT TIME TAKE NOTE OF SEVERAL "STRAWS IN THE WIND" WHICH LEAD US TOWARD ENCOURAGEMENT.

Declassified Case: 100-84022 Date: 06-18-2013

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INFO OCT-01 55-14 150-00 OMA-02 NSC-05 NSCE-00 IRR-05
CIAE-00 L-01 SP-02 TRSE-00 /040 W

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 1518

~~CONFIDENTIAL~~ BUENOS AIRES 5522

LIMDIS

E.O. 11652: GDS

TAGS: SHUM, PCIP, AR

SUBJECT: US INTEREST IN HUMAN RIGHTS IMPROVEMENTS

REF: (A) STATE 162292, (B) BUENOS AIRES 5303

1. REF A INSTRUCTED THAT AN APPROACH BE MADE TO THE GOA AT AN APPROPRIATELY SENIOR LEVEL TO NOTE THE USG INTEREST IN RECENT GOA STEPS TO IMPROVE RESPECT FOR HUMAN RIGHTS. THE INSTRUCTION ALSO PROVIDED THAT, IF THE STEPS ANNOUNCED BY THE GOA AND REPORTED IN P.A. 4638 WERE REAL RATHER THAN COSMETIC, THE ARGENTINES SHOULD BE MADE AWARE OF THE PRESIDENT'S INTEREST IN THESE AND CONTINUING STEPS TOWARD THE RESTORATION OF THE RULE OF LAW.

2. REF B CONCLUDED THAT THERE APPEARED TO BE A DETECTABLE TREND TOWARD IMPROVEMENT IN RESPECT FOR HUMAN RIGHTS, BUT DID NOT SPECIFICALLY ADDRESS THE POINT OF WHETHER THE GOA MEASURES CITED WERE REAL OR COSMETIC. AFTER ATTEMPTS BY ALL ELEMENTS OF THE COUNTRY TEAM TO FOLLOW-UP ON THE SERIOUSNESS OF THE MEASURES ANNOUNCED BY THE GOA ON JUNE 15, WE HAVE NOW CONCLUDED THAT THEY DO HAVE SOME SUBSTANCE, BUT SHOULD NOT BE TAKEN ENTIRELY AT FACE VALUE. WE BELIEVE THAT SOME RESTRICTED FORM OF THE RIGHT OF OPTION TO LEAVE THE COUNTRY WILL BE FORMALLY REESTABLISHED, PERHAPS AS THE OPPORTUNITY TO "PETITION" TO LEAVE THE COUNTRY AS NOW EXISTS IN PRACTICE IF NOT IN LAW. THE SUPPRESSION OF CABILDO WAS NOT AS EXTENSIVE AS IT SEEMED, SINCE ONE OF THE TWO SUPPRESSED EDITIONS HAD ALREADY BEEN DISTRIBUTED. WE HAVE STILL BEEN UNABLE TO CONFIRM THE RELEASE OF ALL OF THE 342 PERSONS LISTED AS RELEASED BETWEEN MAY 27 AND JUNE 14. [REDACTED] IT SEEMS LIKELY THAT MANY OF THESE PERSONS WERE RELEASED. WE HAVE CONFIRMED FOUR CASES ACTUALLY RELEASED AND ASSUME, AS HAS OCCURRED WITH OTHER RELEASE LISTS, THAT MANY OF THOSE LISTED AS NO LONGER BEING DETAINED UNDER EXECUTIVE POWERS HAVE BEEN FORMALLY CHARGED WITH SOME CRIME. (THE GOVERNMENT DID NOT PROVIDE A LIST OF PERSONS DETAINED DURING THE PERIOD COVERED BY THE 342 RELEASES.)

3. IN THE APPROXIMATELY SIX YEARS SINCE JUNE 14, THE GOA HAS ISSUED THREE LISTS OF DETAINEES AND RELEASEES UNDER THE EXECUTIVE POWER. THESE TOTAL 149 DETAINED AND 77 RELEASED. SOME OF THOSE RELEASED ON THE JULY 23 LIST WERE SHOWN AS HAVING BEEN APPREHENDED ON THE JULY 2 LIST. INQUIRIES OF THE PERMANENT ASSOCIATION FOR HUMAN RIGHTS, THE ICRC AND THE NUNCIATURA ELICITED NEITHER REJECTION NOR CONFIRMATION OF THE LISTS. THEY OBSERVED THAT MANY OF THE NAMES ON THE JUNE 14 LIST HAD BEEN IMPRISONED BY THE PREVIOUS GOVERNMENT, AND THAT THERE WERE MANY NAMES ON THE LIST FROM OUTSIDE BUENOS AIRES. THE LISTS OF APPARENT RELEASES SINCE JUNE 15 DO NOT SHOW ANY

PARTICULAR TREND. THE LACK OF A CLEAR POSITIVE TREND ON PRISONER RELEASES, THE DISAPPEARANCE OF HIDALGO SOLA, AND THE RENASCENT OF LABOR LEADERS COMBINE TO ARGUE AGAINST A CLOSE ASSOCIATION OF PRESIDENT CARTER WITH ANY SPECIFIC FAVORABLE DEVELOPMENT.

4. THE ECONOMY MINISTER, MARTINEZ DE HIZ, WAS THE OBVIOUS HIGH-LEVEL CHANNEL FOR EXPRESSION OF USG INTEREST. IN A MEETING WITH HIM ON JULY 22 THE CHARGE EXPRESSED OUR CONTINUING DEEP INTEREST IN STEPS TOWARD RESTORATION OF RULE OF LAW AND OUR INTEREST IN KNOWING ANY FURTHER DETAILS RELATING TO THE STEPS ANNOUNCED JUNE 15. THE MINISTER SAID HE WAS NOT IN A POSITION TO GO INTO DETAILS ABOUT NUMBERS OR NAMES, BUT THAT HE WAS CONFIDENT THAT THE PROCEDURES ANNOUNCED ON JUNE 15 WERE GOING FORWARD. WHEN PRESSED FOR DETAILS, THE MINISTER SAID THE MATTER WAS OUTSIDE HIS AREA OF RESPONSIBILITY AND INDICATED THAT HE DID NOT WISH TO BECOME INVOLVED IN SPECIFICS. CHARGE NOTED THAT THE USG WAS PREPARED TO GIVE RECOGNITION TO FAVORABLE DEVELOPMENTS IN THE HUMAN RIGHTS AREA, AS WAS DONE BY OUR DIRECTOR AT THE WORLD BANK, AND WE HOPE THAT THE MINISTER MIGHT BE ABLE TO PROVIDE US WITH MORE SUCH INSTANCES. AS A FURTHER EVIDENCE OF OUR INTEREST AND WILLINGNESS TO RECOGNIZE FAVORABLE DEVELOPMENTS, CHARGE PROVIDED MINISTER WITH TELETYPE COPY OF PRESIDENT'S REMARKS AT YACAO CITY WHICH MENTIONED RELEASES OF ARGENTINE PRISONERS. MARTINEZ DE HIZ APPEARED INTERESTED BUT LIMITED HIS COMMENTS TO OBSERVING THAT IN ARGENTINA THOSE DETAINED ARE NOT CALLED POLITICAL PRISONERS.

5. THOUGH MARTINEZ DE HIZ WAS UNWILLING TO DEAL IN SPECIFICS, HE DID EXPAND ON THE NEED TO IMPROVE THE DIALOGUE BETWEEN THE TWO COUNTRIES AND DO MORE IN THE HUMAN RIGHTS FIELD WHICH WOULD FURTHER THAT END. HE SAID HE HOPED TO HAVE SOMETHING SUITABLE FOR ANNOUNCEMENT PRIOR TO THE ARRIVAL OF ASSISTANT SECRETARY 100MAN. HE THOUGHT SOMETHING SPECIFIC ON THE POINT OF OPTION MIGHT BE READY SHORTLY, BUT WAS UNSURE. HE THEN CHANGED THE SUBJECT TO ASK FOR CLARIFICATION OF A PUZZLING CABLE HE HAD RECEIVED FROM THE ARGENTINE EMBASSY IN WASHINGTON REGARDING THE STATUS OF THE REUS AMENDMENT TO THE BILL PROVIDING FUNDING FOR 1978'S.

6. ON TWO OTHER OCCASIONS EMBASSY OFFICERS HAVE RAISED WITH AN OFFICIAL OF THE PRESIDENCY THE DEEP US INTEREST IN FURTHER SPECIFIC STEPS TOWARD THE RULE OF LAW. THESE EXPLANATORY OBSERVATIONS WERE MET WITH LITTLE MORE THAN POLITE INTEREST.

7. COMMENT: THE ARGENTINE RESPONSE IN THESE INSTANCES IS NOT PARTICULARLY ENCOURAGING. THE TACTIC OF EXPRESSING INTEREST IN HUMAN RIGHTS ISSUES DID NOT ELICIT POSITIVE RESPONSES, FOR THIS IS AN AREA WHERE FEW WISH TO TAKE THE BLAME OR SHARE CREDIT. CHAPLIN

EO25x1

Declassified Case: LW 54088 Date: 10-13-2013

~~CONFIDENTIAL~~

THE WHITE HOUSE
WASHINGTON

7718216

July 9, 1977

~~CONFIDENTIAL~~

ACTION (ARA&S/PRS)

COPIES TO:

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THE SECRETARY OF STATE

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TMC
TMD
RF(rs)
SUBJECT:

Recognition of Improvements in
Human Rights

The following is based on a conversation I had with the President this morning:

1. As you know, the Argentine Government has stated its intention to release 342 political prisoners. The President would like you to acknowledge this and express his gratification to the Argentine Government when they have released the prisoners.

2. At the same time, the President would like the State Department, on background to the press, to acknowledge this action by the Argentine Government and express the President's gratification.

3. The President would like it to be a matter of policy to acknowledge and express gratification for improvements in human rights once it has been determined that these improvements are real rather than cosmetic. This should be done not only with the Government concerned but, on background, with the press.

Zbigniew Brzezinski

Zbigniew Brzezinski

~~CONFIDENTIAL~~

7720657



DEPARTMENT OF STATE
ACTION MEMORANDUM

S/S

8 AUG 1977

~~CONFIDENTIAL~~

TO: The Acting Secretary

FROM: ARA - William P. Stedman, Jr., Acting

SUBJECT: The President's Interest in Argentine Human Rights Improvements

ISSUE FOR DECISION

Whether to sign the attached memorandum to Dr. Brzezinski commenting upon the human rights situation in Argentina.

ESSENTIAL FACTORS

The President is interested in recent signs of human rights improvement in Argentina.

-- If these improvements were real rather than cosmetic, our Embassy in Buenos Aires was instructed to mention the President's interest to the Argentine government.

-- At Yazoo City on July 21 the President said, "We have seen recently in Argentina 342 political prisoners, who had been there for a long time, released."

-- Jody Powell was quoted in the New Yorker on July 18, as saying, "In January, Argentina began publishing a list of those persons arrested or detained under state of siege powers, and in April it released former Senator Hipolito Solari Irigoyen, who had been held without trial for eight months; it also has granted the International Committee of the Red Cross permission to visit its prisons."

The attached memorandum reports on recent human rights developments in Argentina and on how our Embassy handled its instructions.

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- 2 -

Recommendation:

That you initial the attached memorandum to Dr. Brzezinski.

Attachment:

Memorandum to Dr. Brzezinski.

Drafted: ARA/ECA:FERondon:jh
8/8/77:x29166 *RAV*

Concurrence: D/HA:MSchneider *RAV*
P - Mr. Tice *RAV*
S/P - Mr. Feinberg *RAV*

~~CONFIDENTIAL~~